



February 20, 2004

ENGROSSED SENATE BILL No. 22

DIGEST OF SB 22 (Updated February 17, 2004 2:59 pm - DI 69)

Citations Affected: IC 13-11; IC 13-18.

Synopsis: Confined feeding operations. Establishes application fees to be remitted to the department of environmental management for general and individual National Pollutant Discharge Elimination System (NPDES) permits. Provides that obtaining an NPDES permit for a concentrated animal feeding operation meets the approval requirements of IC 13-18-10-1 and 327 IAC 16.

Effective: Upon passage.

Jackman

(HOUSE SPONSORS — BOTTORFF, GRUBB, FRIEND, WOLKINS)

November 18, 2003, read first time and referred to Committee on Rules and Legislative Procedure.

January 15, 2004, amended; reassigned to Committee on Environmental Affairs.

January 26, 2004, amended, reported favorably — Do Pass.

February 2, 2004, read second time, ordered engrossed. Engrossed.

February 3, 2004, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 5, 2004, read first time and referred to Committee on Environmental Affairs.

February 19, 2004, reported — Do Pass.

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ES 22—LS 6034/DI 13+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 22

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-38.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 38.3. "Concentrated animal**
4 **feeding operation" or "CAFO", for purposes of IC 13-18-10 and**
5 **IC 13-18-20, has the meaning set forth in 40 CFR 122.23.**

6 SECTION 2. IC 13-18-10-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** A person
8 may not start construction of a confined feeding operation without
9 obtaining the prior approval of the department.

10 **(b) Obtaining a NPDES permit for a CAFO meets the**
11 **requirements of subsection (a) and 327 IAC 16 to obtain an**
12 **approval.**

13 SECTION 3. IC 13-18-20-11.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) In addition to the fee**
16 **in IC 13-18-20-12, when a person files a notice of intent with the**
17 **department concerning:**

ES 22—LS 6034/DI 13+



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1 (1) an initial; or
2 (2) the renewal of a;
3 general NPDES permit for a CAFO, the person must remit a
4 permit fee of one hundred dollars (\$100) to the department.
5 (b) In addition to the fee in IC 13-18-20-12, when a person files
6 an application with the department concerning:
7 (1) an initial; or
8 (2) the renewal of an;
9 individual NPDES permit for a CAFO, the person must remit a
10 permit fee of two hundred fifty dollars (\$250) to the department.
11 (c) If a person is subject to a fee for a CAFO under this section,
12 no other fee under this chapter applies to the CAFO other than the
13 fee under section 12 of this chapter.
14 SECTION 4. An emergency is declared for this act.

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SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 22 and that Senator Jackman be substituted therefor.

GARTON

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 22, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Environmental Affairs.

(Reference is to SB 22 as introduced.)

GARTON, Chairperson

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COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 22, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 10 and 11, begin a new paragraph and insert:

"(c) If a person is subject to a fee for a CAFO under this section, no other fee under this chapter applies to the CAFO other than the fee under section 12 of this chapter."

and when so amended that said bill do pass.

(Reference is to SB 22 as printed January 16, 2004.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 22, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BOTTORFF, Chair

Committee Vote: yeas 12, nays 0.

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